

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JIMMY FERREROSA,

Plaintiff,

v.

K. HALL,

Defendant.

Case No. 1:24-cv-01242 JLT GSA (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING THE
ACTION WITHOUT PREJUDICE, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THE CASE

(Doc. 9)

Jimmy Ferrerosa, a former state prisoner, initiated this action to hold the defendant liable for violations of Plaintiff's civil rights while in custody at Valley State Prison. (*See generally* Doc. 1.) Although Plaintiff sought to proceed *in forma pauperis*, he filed only the form applicable to prisoners and did not complete the Court's general civil application. (*See* Doc. 2.) Therefore, the Court ordered Plaintiff to complete the proper application or pay the filing fee in full. (Doc. 7.)

After Plaintiff failed to either pay the filing fee or otherwise respond to the Court, the magistrate judge found Plaintiff failed to prosecute the action and failed to comply with the Court's order. (Doc. 9 at 1-2, 5.) The magistrate judge also found terminating sanctions were appropriate after considering the factors identified by the Ninth Circuit in *Malone v. United States Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987). (*Id.* at 2-4.) Therefore, the magistrate judge recommended the Court dismiss the action without prejudice. (*Id.* at 5.)

1 The Court served the Findings and Recommendations on Plaintiff and notified him that
2 any objections were due within 14 days. (Doc. 9 at 5.) The Court advised him that the “failure to
3 file any objections within the specified time may result in the waiver of certain rights on appeal.”
4 (*Id.* at 4, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file
5 objections, and the time to do so has passed.

6 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
7 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
8 are supported by the record and proper analysis. Thus, the Court **ORDERS**:

9 1. The Findings and Recommendations issued June 25, 2025 (Doc. 9) are
10 **ADOPTED** in full.
11 2. This matter is **DISMISSED** without prejudice.
12 3. Plaintiff’s request to proceed *in forma pauperis* (Doc. 2) is denied as **MOOT**.
13 4. The Clerk of Court is directed to **CLOSE** this case.

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15 IT IS SO ORDERED.

16 Dated: July 16, 2025


UNITED STATES DISTRICT JUDGE

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